

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALICE KRAMER, as Personal Representative of the
Estate of Arthur Kramer,

Plaintiff,

– against –

LOCKWOOD PENSION SERVICES, INC., TALL
TREE ADVISORS, INC., LIFE PRODUCTS
CLEARING, LLC, TRANSAMERICA
OCCIDENTAL LIFE INSURANCE CO., PHOENIX
LIFE INSURANCE CO., LINCOLN LIFE &
ANNUITY CO. OF NEW YORK AND
JONATHAN S. BERCK,

Defendants.

Various Third-Party Actions

Civil Action No.
08 CV 2429 (DAB)(MHD)

ECF Case

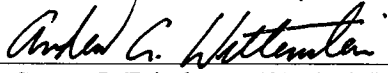
**NOTICE OF MOTION BY
THIRD-PARTY DEFENDANTS
LIZA KRAMER AND
ANDREW B. KRAMER**

PLEASE TAKE NOTICE that upon the accompanying (i) Plaintiff's and Third-Party Defendants Liza Kramer and Andrew B. Kramer's Memorandum of Law in Support of Their Motion to Dismiss the Tortious Interference Claims Asserted by Defendant Jonathan S. Berck in his Counterclaims and Third-Party Complaint, and (ii) Affidavit of Andrew A. Wittenstein in Support of Plaintiff's and Third-Party Defendants Liza Kramer and Andrew B. Kramer's Motion to Dismiss the Tortious Interference Claims Asserted by Defendant Jonathan S. Berck in his Counterclaims and Third-Party Complaint, sworn to on August 22, 2008, with exhibits attached thereto, Third-Party Defendants Liza Kramer and Andrew B. Kramer will move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an Order dismissing Defendant Jonathan S. Berck's Claim for Tortious Interference with Contractual Relations, asserted

in the Defendant-Third-Party Plaintiff Jonathan S. Berck's Third-Party Complaint, with prejudice.

Dated: New York, New York
August 25, 2008

FRIEDMAN & WITTENSTEIN
A Professional Corporation

By: 
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Party Defendants Liza Kramer and
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